

**REMARKS**

In accordance with the foregoing, the drawings and claims 1, 13, and 20 are amended. Claims 2, 12, 14, 15, 16, 18, and 19 are cancelled without prejudice or disclaimer.

No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-11, 13, 17, and 20 are pending and under consideration. Reconsideration is requested.

**Perfection of Priority**

The USPTO has acknowledged both the present application's claim for foreign priority and that the certified copy of the priority document (PCT/JP01/05977) has been received.

In accordance with 37 CFR §1.55(a)(3), an English language translation of the priority document together with a statement that the translation of the certified copy is an accurate translation, is attached.

Thus, Applicants submit that the filing date of the priority document is perfected.

**Claim Amendments**

Claims 1 and 20 are amended herein to include the features of claim 2 cancelled herein.

Claim 13 is amended herein to be in independent form. No new matter is being presented, and approval and entry are respectfully requested.

**Item 1: Objection to the Drawings**

In item 1 of the Office Action, the Examiner objects to the drawings and asserts that FIGs. 42 and 43 should be designated by a legend such as --Prior Art--.

Figs. 42 and 43 are amended herein to add the legend --Prior Art-- and withdrawal of the objection is requested.

**Item 2: Objection to claim 1**

In item 2 of the Office Action, the Examiner objects to claim 1 because of informalities that the phrase, "providing server" should state -- providing servers --.

Claim 1 is amended herein to correct the informalities and withdrawal of the objection is requested.

**Item 5: Rejection of claims 1 and 3-9 are under 35 U.S.C. 112, second paragraph**

In item 5 of the Office Action, the Examiner rejects claims 1 and 3-9 under 35 U.S.C. §112, second paragraph as being indefinite, and asserts:

Claim 1 recites the limitation(s) "said first communications distribution unit" in line 7... (and) "the service providing server" in line 11. There is insufficient antecedent basis for this (these) limitation in the claim.

(Action at page 3).

Parent claim 1 is amended herein ( for dependent claims 3-9) to address the Examiners concerns.

Applicants submit that claims 1 and 3-9 comply with 35 U.S.C. §112, second paragraph and withdrawal of the rejection is requested.

**Items 7 and 9: Rejection of claims 1, 3-4, 5, 7-9 and 20 under 35 U.S.C. 103(a) as being unpatentable over applicant's Admitted Prior Art ("APA") in view of combinations of Tomoike (Pub. No. US 2001/0055285) and Goldszmidt et al. (U.S.P. 6,195,680)**

In items 7 and 9 of the Office Action, the Examiner rejects claims 1, 3-4, 5, 7-9, and 20 under 35 U.S.C. §103(a) as being unpatentable over APA in view of combinations of Tomoike and Goldszmidt. The rejection is traversed.

Applicants submit that prima facie obviousness is not established since features recited by independent claims 1 and 20 (and dependent claims) are not taught by the cited art.

Independent claim 1 recites a mobile device communications system which has a plurality of service providing servers, and is used for communications by a mobile terminal including:

- a) "a first network unit which is connected to the mobile terminal and has a plurality of input/output points to and from the service providing servers;"
- b) "a plurality of first communications distribution units respectively connected to the plurality of input/output points;"
- c) "a second network unit connected to said plurality of first communications distribution units;"
- d) "a third network unit connected to the plurality of service providing servers;" and
- e) "a plurality of second communications distribution units which are connected between said second network unit and said third network unit, for distributing a series of communications between the mobile terminal and any of the plurality of service providing servers to any of the plurality of service providing servers, " and where
- f) "said first communications distribution unit distributes said series of communications between said mobile terminal and any of said plurality of service providing servers to any of said plurality of second communications distribution units through said second network unit," wherein
- g) "each of said plurality of first communications distribution units comprises a same storage contents of distribution destination storage unit storing any of said plurality of second

communications distribution units to which a series of communications are to be distributed corresponding to an identifier of a session as the series of communications between the mobile terminal and the service providing servers. (emphasis added)"

Applicants submit that *prima facie* obviousness is not established since none of the art, alone or in *arguendo* combination teach such a mobile device communications system including, in particular, "each of said plurality of first communications distribution units . . . corresponding to an identifier of a session as the series of communications between the mobile terminal and the service providing servers."

Further, in support of the rejection the Examiner has not cited any of the references as teaching or suggesting the same. In rejecting claim 2, cancelled herein, the Examiner merely asserted it would have been obvious to modify APA with Tomoike to "include a load data obtaining device and load storage device." Applicants submit that even such an *arguendo* combination does not teach communications distribution units corresponding to an identifier of a session, as recited by independent claims 1 and 20.

#### **Summary**

Since *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1, 3-4, 5, 7-9, and 20 allowed.

#### **Item 8: Rejection of claims 6 and 17 under 35 U.S.C. §103(a) as being unpatentable over APA in view Tomoike and in view of Pub. No. US 2002/0052798 AI ("Nishikado")**

Claims 6 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view Tomoike, and further in view of Pub. No. US 2002/0052798 AI ("Nishikado"). The Action concedes that the APA does not teach:

the second communication distribution unit can distribute the series of communications to a server external to said mobile device communications system. The APA also does not show an accounting information generation unit generating accounting information about a service received by the mobile terminal from the service providing servers. Tomoike shows in fig. 1, a content server 19 which accessed through the Internet, which inherently is not limited to a mobile device communications network. Nishikado shows in fig. 1 a charging management apparatus 8 that transmit access charging information (para. 72).

(Action at page 10).

The Examiner asserts that it would have been obvious

to include the ability to access servers external to the mobile device communications system as taught by Tomoike and to include charging management apparatus as taught by Nishikado. . . . to make the combination so that mobile subscriber has access to full array of contents available on the Internet and so that the user can be charged for the use of

content.

(Action at page 11).

Applicants respectfully point out that Nishikado has a filing date of August 17, 2001 which is after the July 10, 2001 foreign priority date of the present application, which is based upon PCT/JP01/05977, the priority date being perfected herein.

Accordingly, Applicants submit that Nishikado is not available as prior art that can be relied on by the Examiner to support a §103 rejection of claims 6 and 17.

### **Summary**

Since *prima facie* obviousness is not established, Applicants request the rejection of claims 6 and 17 be withdrawn and claims 6 and 17 allowed.

### **Item 9: Rejection of claims 10-11 under 35 U.S.C. 103(a) as being unpatentable over APA in view Tomoike further in view of Goldszmidt**

In item 9 of the Office Action, the Examiner rejects claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over APA in view Tomoike and Goldszmidt. The rejection is traversed.

Independent claim 10 recites a mobile device communications method for use with a plurality of service providing servers for communications by a mobile terminal including:

- a) "the mobile terminal transmitting a packet in a series of communications by specifying any of the plurality of service providing servers;"
- b) "a load balancer, which received the packet, distributing the packet to any of the plurality of packet gateway devices corresponding to an identifier for the series of communications;" and
- c) "said packet gateway device which was assigned the packet distributing the packet to any of the plurality of service providing servers performing the same services as the service providing server specified by the mobile terminal."

The Examiner asserts that Goldszmidt teaches

the control server assigns different identifiers to the streaming servers for delivering the multimedia data . . . It would have been *prima facie* obvious . . . to use gateways of Tomoike and assign identifiers to the streaming servers as taught by Goldszmidt. . . so that the load of the gateways can always be equally distributed (Tomoike, para. 20) and so that the identifiers can be used to group the streaming servers into two or more different sets (Goldszmidt, col. 5, lines 38-42).

(Action at page 16).

However, Applicants submit that even an *arguendo* combination does not teach recited features. By contrast, Goldszmidt merely teaches:

The control server assigns different identifiers to the streaming servers for

delivering the multimedia data, and uses these identifiers to group these streaming servers into two or more different sets. The streaming servers are used to deliver the real-time multimedia streams to the client agents. To receive a multimedia stream, client agents are given an identifier to connect to a server in one of the sets.

(see, for example, col. 3, lines 27-60).

That is, Goldszmidt merely teaches a technique in which different identifiers are assigned to streaming servers, and when a client detects a fault in a server, the influence on the streaming can be minimized and the streaming can be continued, by connecting to a secondary server having an identifier paired with the server with the fault and "assigning different identifiers to streaming servers."

Goldszmidt does not teach "distributing the packet to any of the plurality of packet gateway devices corresponding to an identifier for the series of communications," as recited by claim 10. Further, the art relied on in combination does not teach such a feature.

## Summary

Since *prima facie* obviousness is not established, Applicants request the rejection of claims 10-11 be withdrawn and claims 10-11 allowed.

### **Item 11: Rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over APA in view of Attanasio and Goldszmidt**

In item 11 of the Office Action, the Examiner rejects claim 13 under 35 U.S.C. 103(a) as being unpatentable over APA in view of Attanasio, and further in view of Goldszmidt. The rejection is traversed.

Applicants submit that *prima facie* obviousness is not established since features recited by independent claim 13 are not taught by the cited art. Claim 13 recites a computer-readable portable storage medium . . . including storing a destination address and a source address of a packet received from the load balancer using a unique source port number as a key; setting the unique source port number as a source port number of a packet header; selecting any of a plurality of service providing servers capable of providing a service requested by the mobile terminal from among the plurality of service providing servers such that the loads of the service providing servers can be balanced; and transmitting a packet to the service providing server with an address of the selected service providing server set as a destination address, and an address of the device set as a source address, wherein an identifier for a user session as a series of communications in a layer higher than a layer corresponding to a session as a series of communications between the mobile terminal and the service providing server in a hierarchical

structure of communications is used as the unique source port number (emphasis added)"

Applicants submit that none of the cited art, alone or in *arguendo* combination teach or suggest a medium including in particular an identifier . . . corresponding to a session as a series of communications between the mobile terminal and the service providing server in a hierarchical structure of communications is used as the unique source port number, as recited by claim 13.

The Examiner asserts it would have obvious:

to modify the common load balancing system as disclosed by the applicant as prior art to use an upper layer protocol such as HTTP and to assign identifiers to the streaming servers as taught by Goldszmidt. One skilled in the art would have been motivated to make the combination so that the identifiers can be used to group the streaming servers into two or more different sets (Goldszmidt, col. 5, lines 38-42).

(Action at page 19).

However, Applicants submit that even an *arguendo* combination does not teach recited features of claim 13. By contrast, Goldszmidt merely teaches:

The control server assigns different identifiers to the streaming servers for delivering the multimedia data, and uses these identifiers to group these streaming servers into two or more different sets. The streaming servers are used to deliver the real-time multimedia streams to the client agents. To receive a multimedia stream, client agents are given an identifier to connect to a server in one of the sets.

(see, for example, col. 3, lines 27-60).

That is, Goldszmidt merely teaches assigning different identifiers to streaming servers, and does not teach a technique in which different identifiers are assigned to streaming servers, an identifier corresponding to a session as a series of communications, as recited by claim 13. Further, the art relied on in combination does not teach such features as recited by claim 13.

### **Summary**

Since *prima facie* obviousness is not established, Applicants request the rejection of claim 13 be withdrawn and claim 13 allowed.

### **Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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